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2 **UNITED STATES DISTRICT COURT**
3 **NORTHERN DISTRICT OF CALIFORNIA**
4 **SAN FRANCISCO DIVISION**
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7

8 **IN RE GOOGLE PLAY STORE**
9 **ANTITRUST LITIGATION**

10 This Document Relates To:

11 *Epic Games Inc. v. Google LLC et al.*, Case
12 No. 3:20-cv-05671-JD

13 *In re Google Play Consumer Antitrust*
14 *Litigation*, Case No. 3:20-cv-05761-JD

15 *State of Utah et al. v. Google LLC et al.*,
16 Case No. 3:21-cv-05227-JD

17 *Match Group, LLC et al. v. Google LLC et al.*,
18 Case No. 3:22-cv-02746-JD

19 Case No. 3:21-md-02981-JD

20 **DEFENDANTS' REQUEST FOR**
21 **JUDICIAL NOTICE IN SUPPORT**
22 **OF MOTION FOR PARTIAL**
23 **SUMMARY JUDGMENT**

24 Judge: Hon. James Donato

REQUEST FOR JUDICIAL NOTICE

Defendants Alphabet, Inc., Google LLC; Google Ireland Limited, Google Commerce Limited; Google Asia Pacific PTE. Limited; and Google Payment Corp. (collectively, “Google”), request that the Court take judicial notice of the following exhibit, attached to the Declaration of Glenn Pomerantz filed concurrently in connection with Defendants’ Motion for Partial Summary Judgment.

Exhibit 18:¹ A news article titled “Verizon Preps Challenge to Google’s App Store” dated August 20, 2014.

9 Google does not cite Exhibit 18 for its truth. Rather, Google cites Exhibit 18 to
10 demonstrate that details of Google’s carrier Revenue Sharing Agreements (“RSAs”) have been
11 public since at least 2014. Br. at 16. Courts “may take judicial notice of publicly available
12 newspaper and magazine articles and web pages that ‘indicate what was in the public realm at the
13 time, not whether the contents of those articles were in fact true.’” *Tarantino v. Gawker Media,*
14 *LLC*, 2014 WL 2434647, at *1 n.1 (C.D. Cal. Apr. 22, 2014) (quoting *Von Saher v. Norton Simon*
15 *Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010)); *Ryan v. Microsoft Corp.*, 147 F.
16 Supp. 3d 868, 873 n.1 (N.D. Cal. 2015). Because Exhibit 18 “constitute[s] relevant information in
17 the public realm in [August] 2014,” it is “properly before the Court.” *Tarantino*, 2014 WL
18 2434647, at *1 n.1.

19 Accordingly, Google respectfully requests that the Court consider Exhibit 18, not for the
20 truth of the matters asserted, but for the fact that details of the carrier RSAs were in the public
21 realm in 2014.

²⁷ 1 Exhibit 18 is attached to the Declaration of Glenn Pomerantz filed concurrently with Google's
28 Motion for Partial Summary Judgment.

1 DATED: April 20, 2023

Respectfully submitted,

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3 By: _____ /s/ *Glenn D. Pomerantz*
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19 *Counsel for Defendants Google LLC, et al.*

1 **E-FILING ATTESTATION**

2 I, Glenn D. Pomerantz, am the ECF User whose ID and password are being used to file
3 this document. In compliance with Civil Local Rule 5-1(h)(3), I hereby attest that counsel for
4 Defendants have concurred in this filing.

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6 _____
7 */s/ Glenn D. Pomerantz*
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